

The Federal Flyer

Senate Debates Mexican Truck Safety Provisions of Transportation Bill *Gramm, McCain Continue Effort to Kill "Discriminatory" Language*

Texas Senator Phil Gramm (R) and **Arizona Senator John McCain** (R) worked diligently all last week to come to a compromise with **Senate Transportation Appropriations Subcommittee Chairwoman Patty Murray** (D - Washington) on Mexican motor carrier safety requirements in the FY 2002 Transportation Appropriations bill. Gramm and McCain were carrying the torch for the Bush Administration in its continuing effort to win funding for border safety inspection programs without what it calls discriminatory language. However, they were never able to reach agreement with Murray on changes to the inspection provisions and on Thursday the Senate voted 70-30 to invoke cloture on the pending Murray-Shelby amendment to force a final vote.



Gramm, McCain, and their supporters argued that certain provisions in the bill violate the North American Free Trade Agreement (NAFTA). In particular, the senators pointed to provisions that would place requirements on Mexican motor carriers that are different and stricter than those currently required of American or Canadian carriers. They argued that this violates the letter of NAFTA, which requires that the parties to the treaty (the United States, Canada, and Mexico) not impose any requirements on other parties to the treaty that they don't impose on themselves.

In response, Murray and others who support the bill language argued that the NAFTA arbitration panel, which ruled earlier this year that the US had to allow cross-border trucking, stated that the US could implement whatever provisions necessary to ensure the safety of the American public. They claim that this gives the US the authority to apply requirements on Mexican trucks that are stricter than those currently applied to US and Canadian carriers because Mexico itself does not have or enforce a safety regime adequate to meet US standards.

President George W. Bush has stated that he would veto the bill if it included the Murray inspection provisions that he says are in violation of NAFTA. The Bush Administration has also indicated that he would veto a bill containing the House language, which would ban Mexican trucks access to the US beyond the 20-mile commercial zones along the border.

The Senate version of the bill contains some \$103 million for motor carrier safety programs targeted at the southwest border, including \$71 million for the construction of safety inspection facilities. The House bill contains no such funding.

On Friday night, due to the absence of several senators, the Senate failed to invoke cloture on the bill, so a filibuster continues this week until the necessary 60 votes can be found to end debate. Next, the measure will go to a House-Senate conference committee, where **Texas Senator Kay Bailey Hutchison** (R) is expected to have a seat at the table.

FMCSA Holds First of 5 Reauthorization "Listening Sessions"

Issues Include Database & Technology Improvements, Dedicated Funding

On July 26, the Federal Motor Carrier Safety Administration (FMCSA) held its first "listening session" to kick off its efforts to prepare for the reauthorization of federal motor carrier safety programs in 2003. The Motor Carrier Safety Improvement Act of 1999 created the FMCSA as a separate agency and transferred to it the motor carrier safety operations previously administered by the Federal Highway Administration (FHWA). President Bush has just nominated Mr. Joseph Clapp to serve as the agency's first administrator.

The July 26th listening session - the first of five - was held in Atlanta, Georgia, and was attended by officials from state and federal motor carrier safety agencies as well as industry representatives. Attendees came from Texas, Tennessee, Georgia, South Carolina, North Carolina, Florida, New Mexico, Arkansas, Kentucky, Oklahoma, and Alabama to offer comments to the FMCSA staff on a series of issues.

Options for reauthorization presented at the session ranged from improving driver record databases, training drivers, improving the safety of car/truck interactions, expanding the use of the Motor Carrier Safety Assistance Program (MCSAP) to locals, ending the out-of-service cycle, enhancing research and technology deployment, and providing a dedicated funding source for motor carrier safety programs. Generally, the audience supported enhanced outreach and safety education programs for both truck drivers and passenger car drivers to reduce the number of fatalities involving motor carriers. Both industry and government officials cited serious concerns about the reliability and accessibility of driver records databases, the need for database uniformity, and a desire to see privacy restrictions relaxed.

FMCSA officials asked why states are not using more of their federal highway and highway safety program funds for eligible motor carrier safety activities, especially for improving safety records databases and other technology applications. The consensus was that it was difficult for states and elected officials to trade a dollar spent on concrete (for highway projects) for a dollar spent on database or technology improvements. Another key issue was identifying a dedicated funding source for motor carrier safety programs. State and industry officials resisted suggestions that the Congress establish a fee-based funding system, stating that it would discourage compliance with safety requirements the fees would go toward implementing. One person suggested that the agency acknowledge the resistance it would face from the highway community if it proposed to target a portion of the diesel fuels tax for motor carrier safety programs alone; the highway community has argued for years that trucks don't pay their fair share of the cost of repairing roads. Finally, during the time reserved for introducing other issues for consideration, the Texas and New Mexico representatives suggested that the agency include targeted funding for the southwest border safety inspection stations and inspectors in its reauthorization proposal.

Check the FMCSA website (www.fmcsa.dot.gov) for a list of future "listening sessions."



The **Federal Flyer** is a publication of the TxDOT Legislative Affairs Office. It is intended to provide up-to-date information on major legislative activities in the 107th Congress for the management of the Texas Department of Transportation, state leaders, and others interested in Texas transportation issues. This report will also feature key activities in the national transportation community. Sources include news services and staff reports.

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